FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #12-100-9025
Elgin Mental Health Center

Introduction

The North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (hereafter referred to as Center), Forensic Treatment Program, F Unit. A complaint was received that alleged that a consumer's right to unimpeded communication was violated when his mail was opened by staff members. The rights of consumers receiving services at the Center are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103).

Recipients receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on a number of factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has 315 beds.

Methodology

To pursue this investigation, the HRA conducted a site visit in October 2012, at which time the allegation was discussed with the consumer's Case Manager. The consumer whose rights were alleged to have been violated was interviewed by telephone and in person. Portions of the consumer's clinical record were reviewed with written consent.

Findings

The consumer reported that he received a piece of mail that had been opened and then stapled closed before it was given to him. The envelope was seen by HRA personnel and the envelope top was slit opened and it was stapled closed; the consumer then opened the envelope and retrieved its contents.

According to the clinical record, the consumer was admitted to the Center on November 18, 2011. The consumer has longstanding persecutory delusions. The record showed that in June, the consumer reported to his Psychiatrist that the police were opening his mail in an effort to prevent law suits. The consumer showed the Psychiatrist the mail that had been opened. There was no further documentation regarding the envelope.

At the site visit, the Case Manager stated that when mail is received for consumers, the consumer must open the mail in the presence of staff. He stated that the consumer must show the contents of the mail to ensure that contraband is not included. It was explained that should the envelope be damaged, he would make it clear to the consumer that the envelope was delivered in

that condition. The Case Manager also offered that sometimes when a consumer receives mail especially of a legal nature, he will have another staff witness the delivery of the mail. He also stated that sometimes he will make a copy of the envelope and write a notation on the copy showing that the consumer was given the mail and on what day. He then showed the HRA a copy of a few envelopes from the consumer's chart showing that he had made copies of a few legal envelopes. The Case Worker could not recall any specific incident with the consumer identified in this case, and said that if he had received a damaged envelope, he would not necessarily document that in the consumer's chart. The Case Manager gave the HRA a tour of the mail room showing how the mail is delivered to the units.

The Center's Patient Mail policy states that "incoming mail shall be delivered by Mail Room personnel to the Forensic Treatment Program and the Community Psychiatric Service once each day, excluding Saturdays, Sundays and state/federal holidays. Unit staff pick up mail at the routine time, bringing outgoing mail with them. Prior to handing mail to the patient receiving it, unit staff shall inform the patient that staff must check the mail for contraband, checks, money orders and money in excess of the applicable program limits. The patient shall be asked if he or she understands; the patient shall be asked if he or she agrees to allow the mail to be inspected for contraband or money. If the patient agrees to the inspection, the patient shall open the mail in the presence of a staff member. If the mail is a package, Security contacts the unit to inform the patient that a package has arrived for him/her. Patients with packages are notified when Security is available to assist in opening, to proceed to the Visitation Room. Packages must be opened in the presence of a Security Officer and STA (Security Therapy Aid). The employee's inspection shall be limited to looking for contraband, checks, money orders or money. Staff issue a receipt for restricted items that are not given to the patient. If the patient refuses to open the mail in the presence of an employee and to have it inspected, the patient shall be informed that his or right to receive the mail shall be restricted, and the restriction of rights procedure shall be implemented; if the patient continues to refuse for three days (excluding Saturdays, Sundays and state/federal holidays), the mail shall remain unopened and undelivered to the patient. The outside of the mail shall be marked "Return to Sender", and the mail shall be placed in the unit's out-going mail box for Mail Room staff pick-up at end of the third day."

Conclusion

Pursuant to the Illinois Mental Health Code, Section 2-103 "Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation. (a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission."

The HRA observed an envelope that was opened and stapled closed. However, we cannot say with certainty that a staff member tampered with the envelope before it was given to the consumer; thus we do not substantiate this allegation. However, we do ask that this matter be reviewed with unit personnel, ensuring that the procedure for mail delivery is followed according to Center policy.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

Pat Quinn, *Governor*

Illinois Department of Human Services

Michelle R.B. Saddler, *Secretary*

Division of Mental Health - Region 2

Elgin Mental Health Center

RECOVERY IS OUR VISION
Recovery is a Personal Journey of Hope, Healing, Growth, Choice, and Change

December 26, 2012

Ms. Kori Larson - Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

Re: HRA #12-100-9025

Dear Ms Larson:

Thank you for your thorough review of this matter. I note that none of the allegations were substantiated. As stated, our patients receive a large amount of mail everyday and we are very cognizant of the importance to the right of unimpeded mail delivery. As requested, we will review mail procedure with all staff to ensure continued compliance with facility policy. The staff at the Elgin Mental Health Center strives to provide the best possible care and treatment for our consumers. As always, we will continue to work to quickly resolve any consumer concerns.

Please include our response with any public release of your Report of Findings.

Sincerely,

Paul N. Bruck, M.P.A., M.H.A.
Hospital Administrator

PNB/JP/lf